

3621 TFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hahn-Carlson Examiner: Backer, F.
Serial No.: 09/527,717 Group Art Unit: 3621
Filed: March 17, 2000 Docket No.: USBA.004PA
Title: VALIDATION APPROACH FOR AUDITING A VENDOR-BASED TRANSACTION

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence and the papers, as described hereinabove, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 13, 2005.

By: 

Kelly B. Waltigney

STATUS INQUIRY-RESPONSE FILED 10/6/2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

On behalf of patent application 09/527,717, kindly advise the undersigned attorney when the U.S. Patent and Trademark Office will enter the **Response to Office Action which was filed on October 6, 2005** and which was accompanied by a **Petition for One-Month Extension of Time**. A duplicate copy of the Response Papers is re-provided herewith.

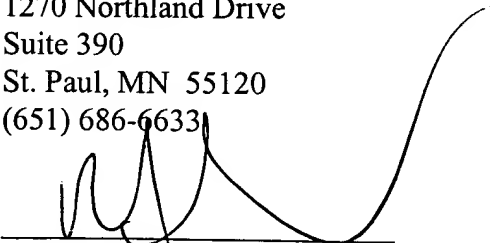
Applicant is concerned because USPTO PAIR does not yet show entry of the Response (PAIR printout).

As additional evidence of USPTO Receipt of the Response filed October 6, 2005, please find attached the October 2005 Deposit Account Statement (w/redaction). The **USPTO Finance Department charged out the One-Month Extension of Time on October 13, 2005** in application 09,527,717 (Docket No. USBA.004PA).

Respectfully submitted,

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Date: December 13, 2005


Robert J. Crawford
Reg. No. 32,122



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UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
10/13	75	09527717	USBA.004PA	1251	\$120.00	\$13,162.48
10/13	131	78572222	[REDACTED]	[REDACTED]	\$375.00	\$12,787.48
10/13	147	PCT/US05/25100	[REDACTED]	[REDACTED]	\$300.00	\$12,487.48
10/13	148	PCT/US05/25100	[REDACTED]	[REDACTED]	\$1,000.00	\$11,487.48
10/13	149	PCT/US05/25100	[REDACTED]	[REDACTED]	\$1,211.00	\$10,276.48
10/13	150	PCT/US05/25100	[REDACTED]	[REDACTED]	\$637.00	\$9,639.48
10/13	151	PCT/US05/25100	[REDACTED]	[REDACTED]	\$40.00	\$9,599.48

09/527,717 VALIDATION APPROACH FOR AUDITING A VENDOR-BASED TRANSACTION



Application Data	Transaction History	Image File Wrapper	Continuity Data	Address & Attorney/Agent
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Date	Contents Description
06-06-2005	Mail Non-Final Rejection
05-27-2005	Non-Final Rejection
03-09-2005	Date Forwarded to Examiner
01-28-2005	Response after Non-Final Action
03-07-2005	Correspondence Address Change
01-28-2005	Workflow incoming amendment IFW
12-02-2004	Mail Non-Final Rejection
11-29-2004	Non-Final Rejection
09-21-2004	IFW TSS Processing by Tech Center Complete





PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Hahn-Carlson	Examiner:	Backer, F.
Serial No.:	09/527,717	Group Art Unit:	3621
Filed:	March 17, 2000	Docket No.:	USBA.004PA
Title:	VALIDATION APPROACH FOR AUDITING A VENDOR-BASED TRANSACTION		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence and the papers, as described hereinabove, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 6, 2005.

By: 

Kelly J. Lechin

OFFICE ACTION RESPONSE AND AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COPY

Customer No.
40581

Dear Sir:

In response to the non-final Office Action dated June 6, 2005, please consider the following amendment and remarks.

Amendments to the claims begin on page 2 and the Remarks begin on page 6.

Please charge/credit Deposit Account No.50-0996 (USBA.004PA) for any deficiency/surplus if necessary.

Also enclosed is a Petition for a One-month Extension of Time (including the requisite fee for large entity).

In the Claims:

Please cancel claims 1-12 as indicated below. This listing of claims replaces all prior versions.

1-12. (canceled)

13. (previously presented) For transaction processing involving transaction information related to services provided from a vendor and one of plurality of subvendors and processed by one of a plurality of subvendor controlled merchant-offering providers, a method for validating a service transaction for auditing comprising:

generating transaction information prior to processing by subvendor;

providing an authorized profile list criterion that includes information about authorized users empowered to authorize payment by the vendor; and

using a computer arrangement, maintaining data relating to the authorized profile list criterion and processing the transaction information by determining whether the transaction information satisfies the authorized profile list criterion, and by using the authorized profile list criterion to generate information for auditing a transaction between said one of a plurality of vendors and said one of a plurality of merchant-offering providers.

14. (previously presented) A system for billing a vendor and subvendor, and paying a merchant-offering provider and a subvendor for a completed service-related transaction, comprising:

means for receiving a set of transaction information including the cost of service from a central processor arrangement; and

means for processing a credit account for the vendor, for verifying that the vendor has sufficient credit to fund the cost of service, for indicating when the account for the vendor should be debited, and for indicating when payment to the merchant-offering provider and subvendor should be tendered, and for notifying a financial institution the cost of service.

15. (previously presented) A method for billing a vendor and subvendor, and paying a merchant-offering provider and a subvendor for a completed service-related transaction, comprising:

- receiving a set of transaction information including the cost of service from a central processor arrangement; and

- using a computer arrangement for processing a credit account for the vendor, for verifying that the vendor has sufficient credit to fund the cost of service, for indicating when the account for the vendor should be debited, for indicating when payment to the merchant-offering provider and subvendor should be tendered, and for notifying a financial institution of the cost of the service.

16. (previously presented) For transaction processing involving transaction information related to services provided by one of a plurality of vendors and processed by one of a plurality of merchant-offering providers, a transaction validation system for auditing comprising:

- a central processor arrangement programmed and configured:

- to maintain data relating to an authorized profile list criterion and to business rules, the business rules defined according to the authorized profile list criterion; and

- to process a business transaction submitted by an authorized user, the business transaction processed by using the authorized profile list criterion to determine that the user is authorized to perform the business transaction and by applying the business rules to perform the business transaction.

17. (previously presented) A transaction validation system for auditing, according to claim 16, wherein the authorized profile list criterion includes multiple levels of authorization.

18. (previously presented) A transaction validation system for auditing, according to claim 17, wherein at least two of the multiple levels of authorization respectively correspond to two different payment-authorization levels.

19. (previously presented) A transaction validation system for auditing, according to claim 17, wherein the central processor arrangement is further programmed and configured to provide correspondence between at least one of the levels of authorization to the requested transaction.

20. (previously presented) A transaction validation system for auditing according to claim 16, wherein the transaction is completed after correspondence is provided between at least one of the levels of authorization and the requested transaction.

21. (previously presented) A transaction validation system for auditing according to claim 16, wherein the authorized profile list criterion includes a plurality of attributes associated with the authorized user submitting the business transaction.

22. (previously presented) A transaction validation system for auditing according to claim 1, wherein the authorized profile list criterion includes a plurality of attributes associated with the authorized user submitting the business transaction.

23. (previously presented) For transaction processing involving transaction information related to services provided by one of a plurality of vendors and processed by one of a plurality of merchant-offering providers, a processor arrangement programmed and configured to:

- maintain data relating to an authorized profile list criterion that includes information about authorized users empowered to authorize payment by the vendor;

- determine whether the processed transaction information satisfies the authorized profile list criterion; and

- use the authorized profile list criterion to generate information for auditing the processed transaction between said one of a plurality of vendors and said one of a plurality of merchant-offering providers.

24. (previously presented) The processor arrangement of claim 23, further programmed and configured to use the authorized profile list criterion to generate information for auditing in response to the processor determining that the processed transaction information satisfies the authorized profile list criterion.

25. (previously presented) The processor arrangement of claim 24, further programmed and configured to effect payment for a transaction in response to the generated information.

26. (previously presented) For transaction processing involving transaction information related to remote services provided by one of a plurality of vendors and remotely processed by one of a plurality of merchant-offering providers, a local processor arrangement programmed and configured to:

- maintain data relating to an authorized profile list criterion that includes information about authorized users empowered to authorize payment by the vendor;

- determine whether the remotely processed transaction information satisfies the authorized profile list criterion; and

- use the authorized profile list criterion to generate information for auditing the remotely processed transaction between said one of a plurality of vendors and said one of a plurality of merchant-offering providers.

27. (previously presented) The local processor arrangement of claim 25, further programmed and configured to generate information for auditing transactions occurring entirely separate from the local processor arrangement.

Remarks

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The Office Action dated June 6, 2005, indicated that claims 1-26 are rejected under 35 U.S.C. § 103(a) over Ginter *et al.* (U.S. Pat. No. 5,982,891) in view of Mandler *et al.* (U.S. Patent No. 5,732,400).

In an effort to facilitate prosecution, Applicant has reduced the number of claims by canceling claims 1-12 without prejudice and reserves the opportunity to pursue the canceled subject matter in a continuing application.

Applicant again respectfully requests that the Office Action Response and Amendment filed on July 9, 2003, be reviewed and, in view thereof, that the Examiner enter and address claim 27, which was added in the Office Action Response and Amendment of July 9, 2003.

According to the law, a §103(a) rejection cannot be maintained without considering all the limitations in the claim as well as the invention "as a whole." Applicant respectfully submits that the instant rejections ignore important claim limitations and, therefore, fails to consider the claimed invention "as a whole." Applicant also respectfully submits that the supporting rationale provided in the Office Action is based on mere conjecture that the proposed modification would achieve a result (*e.g.*, ensure proper determination of whether to not to authorize a specific transaction). No evidence from either of the cited references has been identified as suggesting the proposed modification and, as is further discussed below, such a modification contradicts the teaching of the cited prior art. Without a presentation of evidence of either correspondence or motivation to combine the cited references, the Section 103(a) rejection cannot stand.

Turning first to the rejections of independent claims 13, 23 and 26, contrary to the Office Action's overview of the prior art (*i.e.*, the '891 reference as modified by the '400 reference), this asserted prior art does not correspond to the claimed invention. The Office Action does not cite any aspect of either reference that relates to the claimed limitations of "... determining whether the transaction information satisfies the

authorized profile list criterion” The Office Action’s reliance upon the ‘891 reference at column 282, line 16 – column 284, line 15, as teaching the claimed “...determining whether the transaction information satisfies the authorized profile list criterion” is misplaced. A review of this relied upon portion fails to reveal any discussion of such determination of an authorized profile list criterion being satisfied.

Further, the asserted combination of these teachings (the ‘891 reference as modified by the ‘400 reference) lack motivation. The Office Action fails to identify any evidence in support of the motivation, and such supporting evidence is required in order to sustain the argument that the skilled artisan would modify the relied-upon embodiment of the ‘891 reference with the cited teaching of the ‘400 reference. Moreover, the Office Action’s argument that the skilled artisan would be so led to modify this embodiment of the ‘891 reference assumes that, without such modification, this ‘891 embodiment would not “ensure proper determination of whether to not to authorize a specific transaction.” However, according to the ‘891 reference, this relied-upon embodiment (without modification via such teachings of the ‘400 reference) already teaches how to “help to ensure that information is accessed and used only in authorized ways, and maintain the integrity....” (abstract), and teaches that the object of this embodiment is to “provide[s] a new kind of ‘virtual distribution environment’ ... that secures, administers and audits electronic information use” (column 2, lines 22-25). Thus, the alleged motivation for modifying the ‘891 reference contradicts the reference’s express teaching and purpose.

Applicant further submits that this alleged motivation for modifying the ‘891 reference violates a basic tenet of the law under §103: a §103 rejection cannot be maintained when the asserted modification undermines purpose or operation of the main reference. To so modify the ‘891 reference with the teachings from the ‘400 reference would result in an entirely different way in which the ‘891 reference’s ‘virtual distribution environment’ would secure, administer and audit electronic information use. Further, such a modification of the ‘891 reference is tantamount to mixing teachings out of context. Such a rejection is not permissible under § 103. *See also In re Kotzab*, 217 F.3d 1365 (Fed. Cir. 2000) (proposed modification must not be made in the abstract but rather made in view of the entire teaching of the prior art).

Applicant also traverses the rejections of claims 14 and 15. As with the above-discussed claim rejections, the rejections of claims 14 and 15 also fail to consider each of the claimed limitations and, therefore, the claimed invention when considered "as a whole." Each of claims 14 and 15 include limitations directed to structure "for indicating when the account for the vendor should be debited, and for indicating when payment to the merchant-offering provider and subvendor should be tendered, and for notifying a financial institution the cost of service"(e.g., as in claim 14). The Office Action relies upon the '891 reference at column 282, line 16 – column 284, line 15, as teaching this claimed functionality. However, a review of this relied upon portion, as well as the entire teaching of the '891 reference, fails to reveal any discussion of this functionality. Applicant requests that this §103 rejection also be withdrawn for lack of correspondence.

Moreover, Applicant submits that this §103 rejection should also be withdrawn for lack of any evidence of motivation. In view of the law discussed above and a lack of any cited evidence to support the notion that a skilled artisan would (need to) make the change, Applicant submits that the above-presented arguments and law also apply to this rejection.

Turning now to claims 16-26, the Office Action asserts that these claims correspond to the same inventive concept as set forth in claims 1-15. However, claims 16-26 include several limitations not found in claims 1-15. For example, claims 16-22 include limitations directed to use of business rules defined according to authorized profile list criterion. Other limitations that have been ignored by the Office Action include: multiple levels of authorization (claim 17), two different payment-authorization levels (claim 18), a central processing arrangement programmed and configured to provide correspondence between at least one of the levels of authorization to a requested transaction (claim 19), a processor that determines whether the processed transaction information satisfies the authorized profile list criterion (claim 23), using the authorized profile list criterion to generate information for auditing (claim 24), and determining whether the remotely processed transaction information satisfies the authorized profile list criterion (claim 26). In view of the above, Applicant respectfully traverses the Section 103(a) rejections.

Applicant accordingly requests that the rejections be withdrawn.

In view of the remarks above, Applicant believes that the rejection has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

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1270 Northland Drive, Suite 390
St. Paul, MN 55120
651/686-6633

By: 

Robert J. Crawford
Reg. No. 32,122



PATENT

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Applicant: Hahn-Carlson Examiner: Backer, F.
Serial No.: 09/527,717 Group Art Unit: 3621
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By: _____

Kelly J. Ledwith

PETITION FOR EXTENSION OF TIME

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 1.136, it is respectfully requested that a one-month extension of time be granted in which to file the attached Office Action Response and Amendment. Please charge Deposit Account No. 50-0996 (USBA.004PA) in the amount \$120.00 to cover the extension fees for a large entity, with authorization to charge/credit necessary fees/overages to said Deposit Account to complete this filing.

Respectfully submitted,

CRAWFORD MAUNU PLLC
1270 Northland Drive, Suite 390
St. Paul, MN 55120
(651) 686-6633

By: _____

Name: Robert J. Crawford
Reg. No.: 32,122

Deposit Account Statement

Page 2 of 2

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\$13,162.48